

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.) CR. NO. 2:06cr213-F
)
CARLOS BADILLO,)
KELLY MCDUGAL,)
CHRISTINE ALBIN and)
LAWANA ALBIN)

MOTION TO STRIKE FORFEITURE ALLEGATION CONCERNING FIREARMS

Comes now the United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and hereby moves this Court to strike the firearms portion of the forfeiture allegation in the indictment returned September 7, 2006.

The firearm seized in this matter is in the possession of local law enforcement and will be disposed of upon completion of this case.

A proposed Order is filed herewith.

Respectfully submitted this 28th day of September, 2006.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2006, I electronically filed the foregoing Motion to Strike with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **David Cooke, Jr., Christine Freeman** and **Dan Hamm**.

/s/John T. Harmon

John T. Harmon

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O R D E R

Upon consideration of the Motion to Strike heretofore filed in the above-styled cause, and for good cause shown, the Court is of the opinion that the Motion should be and the same is hereby GRANTED. It is, therefore, **ORDERED, ADJUDGED and DECREED** by the Court that the firearms portion of the forfeiture allegation is hereby stricken.

DONE this ____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE